

107TH CONGRESS
1ST SESSION

S. 1519

To amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 2001

Mr. HARKIN (for himself, Mr. LUGAR, Mr. KERRY, Mr. CRAPO, Mr. McCONNELL, Mr. HELMS, Mr. DAYTON, Mr. LEAHY, Mr. HUTCHINSON, Mr. MILLER, Mrs. LINCOLN, Mr. BAUCUS, Mr. ROBERTS, Mr. CONRAD, and Mr. NELSON of Nebraska) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FARM CREDIT ASSISTANCE FOR ACTIVATED**
4 **RESERVISTS.**

5 Subtitle D of the Consolidated Farm and Rural De-
6 velopment Act (7 U.S.C. 1981 et seq.) is amended by add-
7 ing at the end the following:

1 **“SEC. 376. FARM CREDIT ASSISTANCE FOR ACTIVATED RE-**
2 **SERVISTS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ACTIVATED RESERVIST.—The term ‘acti-
5 vated reservist’ means—

6 “(A) a member of a reserve component of
7 any of the Armed Forces of the United States
8 who is serving on active duty in support of a
9 contingency operation (as defined in section
10 101(a)(13) of title 10, United States Code)
11 pursuant to a call or order issued on or after
12 September 11, 2001, under a provision of law
13 referred to in subparagraph (B) of that section;
14 and

15 “(B) a member of the National Guard of
16 a State not in Federal service who is ordered to
17 duty under the laws of the State in support of
18 any operation to protect persons or property
19 from an act of terrorism or a threat of attack
20 by a hostile force during the period of a na-
21 tional emergency declared by the President or
22 Congress on or after September 11, 2001.

23 “(2) ELIGIBLE PERSON.—The term ‘eligible
24 person’ means—

25 “(A) an activated reservist who owns or
26 operates a farm or ranch;

1 “(B) an owner or operator of the farm or
2 ranch who is a member of the family of the ac-
3 tivated reservist; and

4 “(C) an owner or operator of a farm or
5 ranch on which an activated reservist is em-
6 ployed.

7 “(b) PROGRAM.—The Secretary shall establish a pro-
8 gram to provide assistance to any borrower of a farmer
9 program loan who is an eligible person.

10 “(c) MODIFICATION OF LOAN TERMS.—The Sec-
11 retary shall modify the terms and conditions of a farmer
12 program loan (including a loan in which any participant
13 in the loan is an eligible person) made to an eligible person
14 for a farm or ranch under this title, or purchased under
15 section 309B, to the extent necessary, as determined by
16 the Secretary, to alleviate conditions of distress related to
17 the activation of the activated reservist and to assist in
18 maintaining the farm or ranch for such period of time as
19 the Secretary determines is fair and equitable.

20 “(d) DEBT RESTRUCTURING.—The Secretary may
21 modify farmer program loans, including delinquent loans,
22 by deferring principal or interest scheduled payments, re-
23 ducing interest rates or accumulated interest charges, re-
24 amortizing or consolidating loans, reducing the amount of
25 scheduled principal or interest payments, releasing addi-

1 tional income, reducing collateral requirements, or taking
 2 any other restructuring actions determined appropriate by
 3 the Secretary, to alleviate conditions of distress related to
 4 the activation of the activated reservist and to assist in
 5 maintaining the farm or ranch for such period of time as
 6 the Secretary determines is fair and equitable.

7 “(e) EMERGENCY LOANS.—

8 “(1) IN GENERAL.—The Secretary shall make
 9 an emergency loan under subtitle C to an eligible
 10 person for a farm or ranch that has suffered, or that
 11 is likely to suffer, substantial economic injury as the
 12 result of the activation of an activated reservist, as
 13 determined by the Secretary.

14 “(2) ADMINISTRATION.—

15 “(A) IN GENERAL.—Except as provided in
 16 subparagraph (B), an emergency loan made
 17 under this subsection shall be made under the
 18 terms and conditions of subtitle C.

19 “(B) EXCEPTIONS.—An emergency loan
 20 made under this subsection shall not be subject
 21 to—

22 “(i) the requirements of section
 23 321(a) for a finding by the Secretary that
 24 the applicants’ farming, ranching, or aqua-
 25 culture operations have been substantially

1 affected by a natural disaster in the
2 United States or by a major disaster or
3 emergency designated by the President;

4 “(ii) section 321(b); or

5 “(iii) any other requirement of sub-
6 title C that the Secretary waives to carry
7 out this subsection.

8 “(3) PERIOD OF ELIGIBILITY.—To obtain an
9 emergency loan under this subsection, an eligible
10 person shall apply for the emergency loan during the
11 period—

12 “(A) beginning on the date on which the
13 activated reservist is activated; and

14 “(B) ending 180 days after the date on
15 which the activated reservist is discharged or
16 released from active duty.

17 “(f) NOTICE.—The Secretary shall develop a pro-
18 gram to notify eligible persons of assistance that is avail-
19 able under this section.

20 “(g) SPOUSES OR RELATIVES.—

21 “(1) IN GENERAL.—The Secretary may provide
22 for procedures under which the spouse or other close
23 relative (as determined by the Secretary) of an acti-
24 vated reservist may participate in, or make decisions

1 related to, a program administered by the Secretary
2 under this title.

3 “(2) REPRESENTATION.—The Secretary may
4 rely on the representation of the spouse or close rel-
5 ative (even in the absence of a power of attorney)
6 made under the procedures described in paragraph
7 (1) if the Secretary—

8 “(A) determines that the reliance is appro-
9 priate in order to prevent undue hardship and
10 to provide equitable treatment for the activated
11 reservist; and

12 “(B) has no reason to believe that the rep-
13 resentation of the spouse or close relative is not
14 in accordance with the intent and interests of
15 the activated reservist.”.

16 **SEC. 2. REGULATIONS.**

17 (a) IN GENERAL.—As soon as practicable after the
18 date of enactment of this Act, the Secretary of Agriculture
19 shall promulgate such regulations as are necessary to im-
20 plement the amendment made by section 1.

21 (b) PROCEDURE.—The promulgation of the regula-
22 tions and administration of the amendment made by sec-
23 tion 1 shall be made without regard to—

24 (1) the notice and comment provisions of sec-
25 tion 553 of title 5, United States Code;

1 (2) the Statement of Policy of the Secretary of
2 Agriculture effective July 24, 1971 (36 Fed. Reg.
3 13804), relating to notices of proposed rulemaking
4 and public participation in rulemaking; and

5 (3) chapter 35 of title 44, United States Code
6 (commonly known as the “Paperwork Reduction
7 Act”).

8 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
9 MAKING.—In carrying out this section, the Secretary shall
10 use the authority provided under section 808 of title 5,
11 United States Code.

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